

PART IV.

REVENUE ADMINISTRATION.

Tāluqdār's Jamā.

22. (1) If a tāluqdār's estate, or any portion thereof, is not wholly or partially exempt from land-revenue and its liability to payment of land-revenue is not subject to special conditions or restrictions, the jamā payable to Government in respect of such estate or portion thereof shall, if a survey-settlement has been extended thereto, be the aggregate of the survey-assessments of the lands composing such estate or such portion thereof, minus such deduction, if any, as Government shall in each case direct.

(2) The Governor in Council may declare the amount of jamā so ascertained fixed for any term not exceeding thirty years.

23. (1) Nothing in this Act shall be deemed to affect the validity of any agreement heretofore entered into by or with a tāluqdār and still in force as to the amount of his jamā, nor of any settlement of the amount of jamā made by or under the orders of Government for a term of years and still in force.

(2) Every such agreement and settlement shall have effect as if this Act had not been passed.

24. (1) The registered tāluqdār shall be primarily responsible to Government for the jamā of his village, and, if there are sharers, all the co-sharers shall be jointly and severally responsible therefor.

(2) If the registered tāluqdār fails to pay the jamā according to the rules legally prescribed in that behalf, it may be recovered from his co-sharers, if any, or to the extent to which it is due in respect of the holding of any mortgagee in possession, inferior holder or person in actual occupation of the estate or of any portion thereof, from such mortgagee in possession, inferior holder or person.

(3) When jamā is recovered from any such co-sharer, mortgagee in possession, inferior holder or other person, he shall be allowed credit for all payments which he may have made to the tāluqdār at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the tāluqdār for the amount recovered from him.

25. (1) When a partition has taken place and a tāluqdār's estate is held in severalty, the jamā payable in respect of each separate portion into which the same has been divided shall be determined by the Collector, and thereupon each such portion shall, for the purposes of the last preceding section, be deemed to be a distinct estate.

(2) Provided that the aggregate jamá payable in respect of the several portions into which the estate has been divided shall not exceed the jamá which would be leviable from the entire estate if still undivided.

Management of taluqdár's estates by Government officers.

Management of taluqdári estate may be assumed by Collector in certain contingencies.

26. (1) If owing to disputes among the sharers in any taluqdári estate, or for other cause, the Governor in Council shall deem that there is reason to apprehend danger to the peace of the country or injury to the well-being of the inferior holders, he may direct the Collector to cause such estate to be attached and taken under the management of himself or any agent whom he appoints for this purpose; and, on the application of any registered taluqdár or co-sharer, the Collector shall furnish him with a copy of the reasons on which the orders of Government were passed.

(2) When any estate is so attached and taken under management, the sharers, or any one or more of the sharers therein, may at any time apply to the District Magistrate to restore the management thereof; and, if the applicants shall prove to the satisfaction of the District Magistrate that no reason for any such apprehension as aforesaid any longer exists, the District Magistrate may order restoration of the management to be made to the taluqdár.

Power to take up management of estate pending partition.

27. (1) With the sanction of the Commissioner, the Taluqdári Settlement-officer or other officer¹ appointed by Government may hold the estate in which partition is being effected under his own management, pending the completion of the partition.

(2) Provided that, before applying to the Commissioner for sanction under this section, the Taluqdári Settlement-officer or other officer aforesaid shall give to the parties reasonable notice of his intention so to do, and shall forward, with his application, for the Commissioner's consideration, any written statement of objection thereto which any of the parties shall present to him for this purpose.

Power to take up management of estate at taluqdár's request.

² [28. (1)] With the sanction of Government, the Taluqdári Settlement-officer or any other officer³ appointed by Government for this purpose may,

¹ For notification appointing the Collector of the Panch Maháls to exercise powers under the section, see Bombay Local Rules and Orders.

² S. 28 was re-numbered 28, sub-section (1) by s. 3 (1) of the Gujarat Taluqdars (Amendment) Act, 1905 (Bom. Act 2 of 1905), and sub-section (2) and the provisos were substituted for the concluding words and proviso of s. 28 by s. 3 (2) of the same Act, Vol. IV of this Code.

These words and the proviso were as follows:—

“between the Taluqdár and the Taluqdári Settlement-officer or other officer as aforesaid: Provided that no such application shall be entertained in respect of an undivided share of a Taluqdári estate nor, except with the consent of all the co-sharers, in respect of an estate which is held by co-sharers.”

³ For notification appointing the Collector of the Panch Maháls to exercise powers under the section, see Bombay Local Rules and Orders.

upon the written application of a tāluqdār in this behalf, take charge of such tāluqdār's estate and keep the same under his management for such period as may be agreed upon.

¹ [(1A.) Any co-sharer of a tāluqdārī estate, other than a co-sharer in a family undivided according to Hindu law, may make an application under sub-section (1) in respect of his own share in such estate.]

² [(2) ³ [In every case where a tāluqdārī estate is held by co-sharers in a family undivided according to Hindu law or otherwise] an application signed by co-sharers holding an aggregate interest of not less than three-fourths of the whole estate shall, for the purposes of sub-section (1), be deemed to be an application by a tāluqdār in respect of ⁴ [the whole estate] ; provided, *firstly*, that no sanction shall be given ⁵ [on any such application] under sub-section (1) where it appears to the Governor-in-Council doubtful whether the aggregate interest of the co-sharers signing ⁶ [the] application amounts to three-fourths of the whole estate ; and provided, *secondly*, that nothing in this Act shall be deemed to prevent any co-sharer other than those signing any such application from obtaining partition of his share.]

29. (1) When any tāluqdārī estate is taken under management by Government officers under any of the three last preceding sections, the provisions of section 160 of the Bombay Land-Revenue Code, 1879, shall be applicable thereto. Applicability of section 160 of Bombay Act V of 1879 when an estate is taken under management by a Government officer.

(2) Provided that no ⁸ [transfer] or agreement entered into by a Government officer managing an estate under section 26, in respect of any land in such estate, shall be for a period exceeding five years from the date thereof, and that no such ⁸ [transfer] or agreement by a Government officer managing an estate under section 27 shall have effect beyond the end of the revenue-year in which such officer's management determines, unless the same is ratified by the co-sharer to whose share the said land is finally allotted when the partition of the estate is completed.

(3) All surplus receipts, if any, which accrue during such management, after defraying the costs of the management, including the payment of the Disposal of surplus receipts.

¹ This sub-section was inserted by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

² See the 2nd footnote on previous page.

³ These words were substituted for the words "Where a tāluqdārī estate is held by co-sharers in undivided shares" by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

⁴ These words were substituted for the words "such estate" by *ibid.*

⁵ These words were inserted by *ibid.*

⁶ This word was substituted for the words "any such" by *ibid.*

⁷ Vol. II of this Code.

⁸ This word was substituted for the words "sale of occupancy rights" by s. 93 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

current land-revenue and of all arrears thereof, and the cost of the extension to the estate of a revenue-survey, if the Governor in Council directs, or has before directed, the extension of a revenue-survey thereto under section 4, shall be divided amongst the co-sharers in proportion to their respective shares, at such periods as the Tāluqdārī Settlement-officer or other officer aforesaid shall see fit.

Disabilities of
a tāluqdār
whose estate
is taken
under
management.

¹[29A. (1) Except with the approval of the managing officer, a tāluqdār whose estate is taken under management by Government officers under section 26 or 28 shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any Civil Court whereby to charge any such tāluqdār upon any promise made after the determination of such management to pay any debt contracted during the period of such management, or upon any ratification, made after such determination, of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

(2) Nothing in sub-section (1) shall be deemed to affect the capacity of any such tāluqdār to enter into a contract of marriage:

provided that no such tāluqdār shall incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the managing officer may, in writing, declare to be reasonable.

Power to
continue
management
after death,
in case of
disputed
succession,
and

(3) On the death of any such tāluqdār,—

(a) where the succession to his property or any part thereof is disputed the managing officer may, with the sanction of the Governor in Council, either retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court, or institute a suit of interpleader against all the claimants; and

where
property
still incum-
bered.

(b) where his property is still incumbered with debts and liabilities, the managing officer may, with the sanction of the Governor in Council, retain the said property under his superintendence until such debts and liabilities have been discharged.]

¹ This section was inserted by s. 4 of the Gujarāt Tāluqdārs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

Ascertainment and liquidation of liabilities of tāluqdārs whose estates are taken under management.

¹ [29B. (1) Where any tāluqdāri estate has been taken under management by Government officers under section 26 or 28, the managing officer may publish in the Bombay Government Gazette, and in such other manner as the Governor in Council may by general or special order direct, a notice, in English and also in the vernacular, calling upon all persons having claims against such tāluqdār or his property, to submit the same in writing to him within six months from the date of the publication of the notice.

Publication of notice to claimants against tāluqdār whose estate is taken under management.

(2) Where the managing officer is satisfied that any claimant was unable to comply with the notice published under sub-section (1), he may allow his claim to be submitted at any time after the date of the expiry of the period fixed therein; but any such claim shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of such period until submission.

(3) Every claim against such tāluqdār or his property (other than a claim on the part of Government) not submitted to the managing officer in compliance with the notice published under sub-section (1) or allowed to be submitted under sub-section (2), shall, save in the cases provided for by section 29F, sub-section (2), clause (c), and by sections 7 and 13 of the

XV of 1877.

² Indian Limitation Act, 1877, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged, unless in any suit or proceeding instituted by the claimant, or by any person claiming under him, in respect of any such claim, it is proved to the satisfaction of the Court that he was unable to comply with the notice published under sub-section (1).]

¹ [29C. (1) The managing officer may by written order require that any claimant submitting his claim in compliance with the notice published under section 29B, sub-section (1), shall, within such reasonable time as he may prescribe in such order, furnish full particulars thereof, and produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document:

Claimants to furnish full particulars and documents.

provided that, where the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the managing officer a certified copy of the decree and a certificate from the Court

¹ Sections 29B and 29C were inserted by s. 4 of the Gujarāt Tāluqdārs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

² See now the Indian Limitation Act, 1908 (9 of 1908), General Acts, Vol. VI.

which passed or is executing the same declaring the amount recoverable thereunder, or a true copy of the award and a statement of the sum recoverable thereunder, as the case may be; and, where the claim is pending adjudication in any Court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy, of the plaint, or a true copy of the reference to arbitration, as the case may be.

(2) The managing officer shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(3) Where any document, which is in the possession or under the control of a claimant, is not produced by him in accordance with an order under sub-section (1), the document shall not be admissible in evidence against the tāluqdār whose estate is taken under management, whether during the continuance of the management or afterwards, in any suit brought by such claimant or by any person claiming under him, in respect of any claim to which such document relates, unless it is proved to the satisfaction of the Court that it was not within his power to produce such document as required by such order.]

Investigation
and decision
of claims.

¹ [29D. (1) On receipt of all claims submitted in compliance with the provisions of sections 23B and 29C, the managing officer shall proceed to investigate such claims and shall decide, subject to the provisions of sub-section (3), which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate his decision in writing to each claimant concerned.

(2) Where the managing officer has admitted any claim under sub-section (1), he may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and if such proposal, or any modification of it, is accepted by the claimant, and his acceptance is finally recorded and attested by the managing officer or by any Revenue-officer not below the rank of an Assistant or Deputy Collector whom the Governor in Council may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant:

provided that if, when the management is withdrawn, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (1), as the unsatisfied portion bears to the reduced claim.

¹ Section 29D was inserted by s. 4 of the Gujarat Tāluqdārs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim, against a tāluqdār whose estate is taken under management or his property, which has been duly submitted to the managing officer :

provided that no decision of the managing officer under this section shall be proved in any such suit as against the defendant.]

Management of tāluqdār's estates by Government officers.

¹[29E. (1) On the publication of a notice under section 29B, sub-section (1), no proceeding in execution of any decree against the tāluqdār whose estate is taken under management or his property shall be instituted or continued until the decree-holder files a certificate from the managing officer that the decree-claim has been duly submitted, or until the expiration of one month from the date of receipt by the managing officer of a written application for such certificate, accompanied by a certified copy of the decree. Execution of decrees to be stayed till certificate filed.

(2) Any person holding a decree against such tāluqdār or his property shall be entitled to receive from the managing officer, free of cost, the certificate required by sub-section (1).

(3) In computing the period of limitation prescribed by the ² Indian Limitation Act, 1877, or by section 230 of the ³ Code of Civil Procedure for any application for the execution of a decree, proceedings in which have been stayed or temporarily barred by reason of the claim not having been duly submitted, the time from the date of the notice published under section 29B, sub-section (1), or of the decree if it was passed subsequently to the publication of the notice, to the date of due submission shall be excluded.]

¹[29F. (1) When all claims have been investigated under section 29D, the managing officer shall submit to the Governor in Council a schedule of the debts and liabilities of the tāluqdār whose estate is taken under management, and the Governor in Council may where the property appears to be involved beyond all hope of extrication, or for any other sufficient reason, by order published in the Bombay Government Gazette direct that, on a date to be fixed by the order, the management of such estate shall be withdrawn. Report to Government.

¹ Sections 29E. and 29-F. were inserted by s. 4 of the Gujarāt Tāluqdār's (Amendment) Act 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

² See now the Indian Limitation Act, 1908 (Act 9 of 1908), General Acts, Vol. VI.

³ See now the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

(2) On the date so fixed—

- (a) the management shall terminate ;
- (b) the owner of such estate shall be restored to the possession thereof, subject to any contracts entered into by the managing officer, for the preservation or benefit thereof ; and
- (c) the claims referred to in section 29B, sub-section (3), shall revive.

(3) In calculating the periods of limitation applicable to suits to recover and enforce claims revived under sub-section (2), clause (c), the time during which the management has continued shall be excluded.]

Application of provisions of the Bombay Court of Wards Act, 1905.

Application of the Bombay Court of Wards Act, 1905, when Tāluqdāri Settlement-officer appointed to be a Court of Wards.

¹[29G. On the issue of a notification under clause (c) of the proviso to section 3 of the ² Bombay Court of Wards Act, 1905, appointing the Bom. Act I of Tāluqdāri Settlement-officer to be a Court of Wards for the whole or any ^{1905.} part of the area to which this Act extends, the provisions of the said ² Bombay Court of Wards Act, 1905, shall, without prejudice to, and save Bom. Act I of so far as they may be inconsistent with, anything contained in this Act, ^{1905.} be deemed to apply to, or in respect of, any estate, which may thereafter be taken under the management of the said Tāluqdāri Settlement-officer under section 26 or 28, as if it were an estate under his superintendence as such Court of Wards, and the tāluqdār whose estate is taken under management a Government ward within the meaning of that Act.]

Police-officers and establishment.

Government to fix the number and remuneration of police.

30. (1) The Governor in Council may from time to time determine—

- (a) what Police-officers and establishment are requisite in each village in a tāluqdāri estate ;
- (b) by whom and under what conditions the Police-officers and establishment shall be appointed, punished and dismissed ;
- (c) what remuneration shall be paid to each Police-officer and member of the police-establishment.

Police-charges how recoverable.

(2) Charges on account of police shall be defrayed by the tāluqdār at such times as shall from time to time be determined by Government, and in the event of failure by the tāluqdār to pay, at the time when the same becomes due, any sum so payable, the said sum shall be recoverable from him, in addition to the jamā as if the same were a part of the jamā.

¹ Section 29G was inserted by s. 4 of the Gujarāt Tāluqdārs' (Amendment) Act, 1905, (Bom. Act 2 of 1905), Vol. IV of this Code.

² Vol. IV of this Code.

(3) If a partition has taken place and the estate is held in severalty, the said charges shall be payable by, and recoverable from, the holders of the various portions into which the estate has been divided in proportion to their respective shares in the estate.

PART V.

MISCELLANEOUS.

¹ 31. (1) No incumbrance on a tāluqdār's estate, or on any portion thereof, made by the tāluqdār after this Act comes into force, shall be valid as to any time beyond such tāluqdār's natural life unless such incumbrance is made with the previous written consent of the Tāluqdārī Settlement-officer, or of some other officer appointed by the Governor in Council in this behalf² [and after the death of a tāluqdār no proceeding for the attachment, sale or delivery of, or any other process affecting the possession or ownership of, a tāluqdārī estate, or any portion thereof, in execution of any decree obtained against such tāluqdār or his legal representative, except a decree obtained in respect of an incumbrance made with such consent as aforesaid, or made before this Act comes into force, shall be instituted or continued except with the like consent]. •

Bar of incumbrances on a tāluqdār's estates beyond tāluqdār's own life, except with consent of the Tāluqdārī Settlement-officer;

(2) No alienation of a tāluqdār's estate or of any portion thereof, or of any share or interest therein, made after this Act comes into force, shall be valid, unless such alienation is made with the previous sanction of the Governor in Council, which sanction shall not be given except upon the condition that the entire responsibility for the portion of the jamā and of the village expenses and police-charges due in respect of the alienated area shall thenceforward vest in the alienee and not in the tāluqdār.

and of all alienations except with consent of Governor in Council.

32. (1) No consent or sanction given under the last preceding section shall be deemed to affect any right of Government under section 3 of ³ Bombay Act VII of 1863 (*an Act for the Summary Settlement of claims to exemption from the payment of Government land-revenue and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India*). •

Saving of rights of Government under section 3 of Bombay Act VII of 1863.

¹ Nothing in s. 31 shall be deemed to apply to any incumbrance or alienation made before the passing of the Gujarāt Tāluqdārs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code, by a mulgāmeti, who holds land directly from Government, except where his estate has been taken under management by a Government officer under Bom. Act 6 of 1888. See s. 2 (2), proviso, of that Act.

² These words were added by s. 5 of the Gujarāt Tāluqdārs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

³ Vol. II of this Code.